

THE HONORABLE RICARDO S. MARTINEZ

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF WASHINGTON AT SEATTLE

SENIOR HOUSING ASSISTANCE
GROUP,

Plaintiff,

v.

AMTAX HOLDINGS 260, LLC, et al.

Defendants.

AMTAX HOLDINGS 260, LLC,

Counter-Plaintiffs

v.

SENIOR HOUSING ASSISTANCE
CORPORATION, et al.

Counter-Defendants.

CASE No. 2:17-cv-01115-RSM

**NATIONAL HOUSING LAW PROJECT AND
LEADINGAGE REPLY IN SUPPORT OF
MOTION FOR LEAVE TO FILE BRIEF OF
AMICUS CURIAE**

**NOTED ON MOTION CALENDAR FOR:
JANUARY 11, 2019.**

RESPONSE TO OPPOSITION FOR LEAVE
TO FILE AMICUS BRIEF
(No. 2:17-cv-01115-RSM)

National Housing Law Project
919 Main Street, Ste. 610
Richmond, VA 23219
Tel. (415) 546-7000

1 The National Housing Law Project and LeadingAge, file this brief in reply to Defendants and
2 Counter-Plaintiff's opposition to their Motion for Leave to File Brief of *Amici Curiae*.

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4 First, the motion for leave to file the amicus brief was not untimely. There are no local rules
5 that mandate the timing for the filing of amicus briefs in the Western District. While the Court in
6 *Skokomish Indian Tribe* ultimately followed rule 29, the Court explicitly limited its decision to that
7 particular case and recognized that there are no particular local rules governing when an amicus curiae
8 must file its brief. See *Skokomish Indian Tribe v. Goldmark*, 2013 WL 5720053, (W.D. Wash. 2013)
9 ("Thus, the court will be indulgent with respect to the timing of the initial amici curiae brief.").
10 Thus, it is within the Court's discretion to grant leave (to file the amicus brief). Amici LeadingAge
11 and NHLP deny that the Defendants and Counter-Plaintiffs were prejudiced by the filing of the Motion
12 and Proposed Amicus on December 19, 2018. Amici are not opposed to Defendants and Counter-
13 Plaintiffs receiving additional time to file a response, if the Court grants this motion.
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16 Amici also disagree with Defendants and Counter-Plaintiffs objections to the substance of the
17 brief. NHLP and LeadingAge provide a local, state-wide, and national perspective on the Low Income
18 Housing Tax Credit ("LIHTC") program and its role in addressing the affordable housing crisis and the
19 essential role of non-profits in ensuring that these properties remain affordable over the long-term, and
20 because Amici provide the Court with a context in which to analyze the regulation at issue in the
21 instant case, 42 U.S.C. § 42(i)(7). This material is not duplicative of existing arguments and may be
22 helpful to the Court in properly adjudicating this matter.
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1 For all of these reasons, the Court should grant leave for LeadingAge and NHLP to file their
2 Brief of *Amicus Curiae*.

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4 RESPECTFULLY SUBMITTED this 11thth day of January, 2019.

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6 **LEADINGAGE**
7 **NATIONAL HOUSING LAW PROJECT**

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10 By: /s/Eric Dunn
11 Eric Dunn (WSBA No. 36622)
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18 Counsel for Amici LeadingAge & NHLP

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20
21 **CERTIFICATE OF SERVICE**

22 I hereby certify that on January 11, 2019, the foregoing document was electronically filed with
23 the United States District Court's CM/ECF system, which will send notification of such filing to all
24 attorneys of record.

25
26 s/ Eric Dunn

27 Eric Dunn

28
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